

REMARKS

Claims 2-14, 16 and 17 are pending in the present application and were the subject of a restriction requirement mailed on December 7, 2006. Applicants were required to (1) elect a an initial group, including a compound, for prosecution, and (2) a disease state along with claims readable thereon. The groups were as follows:

I. Election/Restriction

Group I: Claims 2-14 and 16 -17 drawn to a method for treating pain with the compound of the formula (I) when E is N, classified in class 514, subclass 394;

Group II: Claims 2 - 7, 12 - 14 and 16 - 17, drawn to a method for treating pain with the compound of the formula (I) when E is CH, classified in class 514, subclass 415;

Group III: Claims 2 - 14 and 16-17 drawn to methods of using compounds of formula (I) when E is radical, classified in class 514, subclass 419.

II. Applicant's Supplemental Response

For the reasons stated in Applicant's response filed on March 17, 2007, Applicants traversed the restriction requirement because the Action failed to procedurally and substantively meet the legal requirements supporting the Requirement. Applicants, elected with traverse, Group II wherein E is CH; along with the compound, N-[(S)-2-Diphenylamino-1-(5-oxo-4,5-dihydro-[1,3,4]oxadiazol-2-yl)ethyl]-2-(2-methylaminopyrimidin-4-yl)-1H-indole-5-carboxamide.

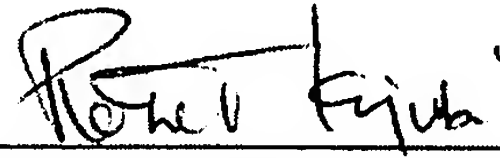
The Action, however, has indicated that Applicants did not elect a disease state and claims readable thereon. Presently, Applicants elect disease states associated with "pain following injuries" as covered by claims 2, 4, and 14.

III. Conclusion

Applicants respectfully submit that the present response fully addresses the Action's concerns. The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. **18-1982** in the name of Aventis Pharmaceuticals Inc.

Respectfully submitted,

September 6, 2007



Robert J. Kajubi, Reg. No. 55,312
Attorney for Applicant

Sanofi-Aventis Inc. U.S. LLC
U.S. Patent Operations
Route #202-206 / P.O. Box 6800
Bridgewater, NJ 08807-0800
Telephone (908) 231-3115
Telefax (908) 231-2626

Sanofi-Aventis Docket No. **DEAV2002/0064 US NP**